

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN

SIERRA CLUB	)	
	)	
Plaintiff,	)	Civil Action No. 2:13-cv-11103-SFC-MKM
	)	
v.	)	Judge Sean F. Cox
	)	
DTE ENERGY COMPANY, et al.,	)	Magistrate Judge Mona K. Majzoub
	)	
Defendants.	)	
	)	

STIPULATION

The parties, by counsel, hereby stipulate pursuant to Federal Rules of Civil Procedure 6(b)(1)(A) and 26(a) and (d) and Local Rule 7.1(a) as follows:

1. The parties have resolved Defendant's Motion to Hold Merits Discovery in Abeyance Pending Resolution of Motions to Dismiss Pursuant to Fed. R. Civ. P. 12(b)(1) and Fed. R. Civ. P. 12(b)(6) (ECF No. 21).

2. Defendants will produce (a) all opacity readings within their possession for the St. Clair, Belle River, Trenton Channel, and River Rouge Power Plants dating from January 1, 2007 to the present, and (b) a document or spreadsheet listing causes, including startup/shutdown events, for each exceedence. The production will be made no later than 30 days after the court enters an order pursuant to this stipulation.

3. Additional discovery, including initial disclosures, will not commence until 14 days after the Court enters an order or orders resolving Defendants' Motion to Dismiss Pursuant to Rule 12(b)(1) (ECF No. 11)/Defendants' Corrected Motion to Dismiss Pursuant to Rule 12(b)(1) (ECF No. 16) and Defendants' Motion to Dismiss Pursuant to Rule 12(b)(6) (ECF No. 12)/Defendants' Corrected Motion to Dismiss Pursuant to Rule 12(b)(6) (ECF No. 17). This

paragraph shall not apply to any discovery that the Court may order to assist in the resolution of these motions to dismiss.

4. Defendants hereby withdraw their Motion to Hold Merits Discovery in Abeyance (ECF No. 13) and Corrected Motion to Hold Merits Discovery in Abeyance (ECF No. 18).

Respectfully submitted,

/s/ Harry M. Johnson, III

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Dated: May 28, 2013

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

SIERRA CLUB	)	
	)	
Plaintiff,	)	Civil Action No. 2:13-cv-11103-SFC-MKM
	)	
v.	)	Judge Sean F. Cox
	)	
DTE ENERGY COMPANY, et al.,	)	Magistrate Judge Mona K. Majzoub
	)	
Defendants.	)	
	)	

ORDER

Pursuant to the stipulation filed by the parties on May 23, 2013,

NOW THEREFORE, IT IS ORDERED that:

1. Defendants will produce all opacity readings within their possession for the St. Clair, Belle River, Trenton Channel, and River Rouge Power Plants dating from January 1, 2007 to the present. The production will be made no later than 30 days after the court enters an order pursuant to this stipulation.

2. Additional discovery, including initial disclosures, will not commence until 14 days after the court enters an order or orders resolving Defendants' Motion to Dismiss Pursuant to Rule 12(b)(1) (ECF No. 11)/Defendants' Corrected Motion to Dismiss Pursuant to Rule 12(b)(6) (ECF No. 16) and Defendants' Motion to Dismiss Pursuant to Rule 12(b)(6) (ECF No. 12)/Defendants' Corrected Motion to Dismiss Pursuant to Rule 12(b)(6) (ECF No. 17). This paragraph shall not apply to any discovery that the Court may order to assist in the resolution of these motions to dismiss.

3. Defendants' Motion to Hold Merits Discovery in Abeyance (ECF No. 13) and

4. Corrected Motion to Hold Merits Discovery in Abeyance (ECF No. 18) are withdrawn.

Dated: June 4, 2013

s/ Sean F. Cox  
Sean F. Cox  
U. S. District Judge